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Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

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Gray Davis
Governor

October 2, 2003

Dear Stakeholder:

The purpose of this letter is to inform you that the California Air Resources Board (ARB) staff is seeking to revise the existing regulations pertaining to Portable Fuel Containers (PFC's). Our intent is to develop revisions that will improve the ongoing enforcement program and provide more assurance that the regulations achieve the estimated emissions reductions.

On September 11, 2000 ARB approved new regulations for PFC's used to fuel small off-road equipment and motor vehicles. The regulations included requirements such as spill-proof spouts, low permeation container walls and labeling requirements. Since adoption of the new regulation, the ARB has seen significant differences in container compliance rates among manufacturers. Consequently, we are concerned that the intended emission reductions of the new regulations are not fully being achieved.

We plan to present the revised regulations to our Board in late 2004. A vital part of the rule development will include workshops and communications with stakeholders such as the public, small engine and PFC manufacturers.

The following are some of the most important changes we are envisioning for the regulations.

1. Certification Program For Portable Fuel Containers

A certification program will prohibit the sale of PFC's in California unless they have been certified by the ARB. The certification process will require each manufacturer to design and manufacture containers that adhere to the regulation standards, and to submit test results to the ARB documenting the compliance of their products with the applicable performance standards prior to offering containers for sale. After the test results are submitted, evaluated and approved, the ARB will issue an Executive Order to the manufacturer certifying specific PFC's and approving the products for sale in California. This type of certification program is intended to improve the manufacturer's compliance rate, eliminate marketplace risk, and provide more assurance that the regulations achieve the intended emissions reductions.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

2. Incompatible Spout Designs

Through ARB staff testing and by public comment, we have verified a number of problems among the various manufacturer fill spouts. Staff has discovered that many consumers misunderstand, fail to read, or simply ignore labels and have difficulty when fueling various types of equipment or motor vehicles. This may result in consumers inappropriately modifying containers in various ways that could cause excess emissions. We would be interested in your comments regarding the current spout designs and discussing the possibility of modifications to the spouts.

We would also like to consider specifying both a minimum and a maximum height shutoff requirement to provide greater compatibility with some small engine equipment. The existing regulations specify only one requirement, that shutoff must occur when the liquid level of the receiving container is one inch or less at the fill opening from the top for one gallon containers (one and one quarter inches for 2-gallon containers). We want to work with both small engine and PFC manufacturers to discuss the possibility of including a minimum height requirement as well.

3. Use of ASTM Test Methods As A Basis For a Certification Program

Incorporating ASTM test methods into the certification program would allow each manufacturer to have a nationwide set of procedures by which to produce and test products for compliance with the performance standards. Each manufacturer would be required to complete each of the test methods found in the ASTM and submit the test results to ARB prior to receiving certification. However, if the ARB adopts the ASTM methods as part of the certification program, we would need to work with the ASTM committee to modify, as appropriate, the existing ASTM F-2234-03 method to conform to the more stringent ARB performance standards and specifications.

4. Utility Jugs and Similar Portable Containers

We intend to incorporate utility jugs and similar re-useable containers into the regulations. This would mean that each of these container categories would also be subject to the same certification and compliance program.

The ARB is soliciting your comments regarding these proposed regulation changes. Should you wish to share information or provide suggestions, please provide written comments no later than October 24, 2003. We will try to address each of your

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comments with attending stakeholders at an informational workshop tentatively scheduled for November 19, 2003 in Sacramento, California. Please review the attached Public Workshop notice for the date, time and location of the workshop.

If you have questions or need additional information regarding the PFC regulation changes, please feel free to contact Joseph Fischer at (916) 322-8914 or by email at jofische@arb.ca.gov.

Sincerely,

/ Signed /

William V. Loscutt, Chief
Monitoring and Laboratory Division

Enclosure